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July 3, 2013

LeaseWeb B.V.  
P.O. Box 93054  
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LeaseWeb USA, Inc.  
9480 Innovation Drive  
Suite 1, Manassas  
Virginia 20110

A.H. (Bram) de Haas van Dorsser  
Vestius  
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Sarphati Plaza  
Rhijnspoorplein 32-34  
1018 TX Amsterdam

Re: *United States v. Kim Dotcom, et al., Case No. 1:12-cr-3 (Eastern District of Virginia)*

Dear Sirs:

We write on behalf of our clients, Megaupload Limited and Kim Dotcom, regarding the recent revelation that on February 1, 2013, LeaseWeb deleted all data from 630 servers previously leased to Megaupload. This wholesale destruction of millions of Megaupload users' personal files was in direct contravention of Megaupload's and Electronic Frontier Foundation's (EFF) repeated requests to LeaseWeb for data preservation pending resolution of the above-referenced U.S. criminal case. Specifically, in a letter dated April 3, 2012, EFF wrote to you "to formally request that you preserve that material both for purposes of contemplated future litigation and as a matter of obligation and courtesy to the innocent individuals whose materials have unfortunately been swept up into this case." EFF's letter further requested "that anyone with access to our client's materials, or evidence potentially

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relevant to an action filed on behalf of our client or other similarly situated third parties, immediately institute a litigation hold that covers all reasonably potentially relevant evidence, e.g., the complete set of data on servers used by Megaupload.” Similarly, on March 1, 2012, Megaupload asked LeaseWeb to confirm “that it will preserve the Megaupload data,” noting that “this request is supported by multiple axiomatic reasons including that it is relevant evidence in a pending criminal case in the US, potential civil case(s), and destruction of such data will interfere with the possible return of such data to consumers.” Copies of the EFF and Megaupload letters are enclosed for your reference.

In addition to destroying petabytes of Megaupload user data, LeaseWeb’s actions have impaired our clients’ defense, as the servers contained vast amounts of potentially exculpatory evidence directly relevant to the U.S. criminal case. In light of this destruction of evidence, it is critical for us to understand the extent to which LeaseWeb consulted with the U.S. Department of Justice or other U.S. authorities prior to wiping the data. We therefore request copies of any correspondence or communications between LeaseWeb and U.S. officials, whether direct or through Dutch authorities, from January 19, 2012 to the present.

We would appreciate LeaseWeb’s prompt attention to this matter.

Sincerely,

Handwritten signature of William A. Burck in blue ink, followed by the initials /SH.

William A. Burck  
Quinn Emanuel Urquhart & Sullivan, LLP

Handwritten signature of Ira P. Rothken in blue ink, followed by the initials /SH.

Ira P. Rothken  
The Rothken Law Firm

Enclosures

cc: The Honorable Liam O’Grady, United States District Judge